

**AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 29, 2008 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**  
with notes of action taken

**MOTIONS - 2008-0076 to 2008-0092**  
**ORDINANCES - 2008-0068 to 2008-0088**  
**RESOLUTION – 2008-0002**

**2008-0075-1**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Rodriguez

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**Motion 2008-0076 – Procedural motion**

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - JANUARY 30, 2008 - 9:00 A. M.**

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE  
CITY SECRETARY PRIOR TO COMMENCEMENT

**MAYOR'S REPORT** - Sanitary Sewer Rehabilitation

**Motion 2008-0077 – Suspend rules to consider the Financial Report out of order**

**Motion 2008-0078 – Accept report**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

**CONSENT AGENDA NUMBERS 1 through 28**

**MISCELLANEOUS** - NUMBERS 1 and 2

**1. Motion 2008-0079**

CONFIRMATION of the appointment of the following to the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY** for terms to expire two years from appointment date:

Position 6 - **DR. STEVE W. HALL, SR.**

Position 7 - **MR. RICHARD LEAL**

**2. Motion 2008-0080**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2008 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,401,840.00 - Enterprise Fund

**ACCEPT WORK** - NUMBERS 3 through 6

**3. Council Members Jones, Rodriguez, Lawrence, Johnson, Holm, Green and Adams tagged**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,260,402.00 and acceptance of work contract with **ENVIRONMENTAL INFRASTRUCTURE GROUP, L.P.** for Upper Brays, Almeda Sims, and WCID No. 111 Wastewater Treatment Plants Improvements, WBS R-000265-0020-4 - 1.03% over the original contract amount - **DISTRICTS D - ADAMS; F - KHAN and G - HOLM**

**4. Motion 2008-0088**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,234,142.96 and acceptance of work contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0013-4 - 4.90% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; F - KHAN and H - GARCIA**

**5. Council Member Lawrence tagged**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,130,844.54 and acceptance of work on contract with **BOYER, INC** for Supervisory Control & Data Acquisition (SCADA) and Security at East Water Purification Plant, WBS S-000522-0006-4 - 6.04% under the original contract amount - **DISTRICT E - SULLIVAN**

**6. Motion 2008-0081**

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$512,999.84 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Flow Meters at Various Facilities, WBS S-000936-0008-4 - 5.19% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; F - KHAN and G - HOLM**

**PURCHASING AND TABULATION OF BIDS** - NUMBER 7

**7. Motion 2008-0082**

**AMERICAN PARKS COMPANY** - \$412,805.40 and **LINDIG CONSTRUCTION & TRUCKING, INC** - \$124,852.00 for Surface Materials for Playgrounds and Jogging Trails for Parks & Recreation Department - \$548,630.00 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$537,657.40 - General Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 8 through 28

**8. Resolution 2008-0002**

RESOLUTION ratifying and re-approving City of Houston Resolution 2007-46 authorizing City of Houston Industrial Development Corporation Senior Air Cargo Special Facility Revenue Refunding Bonds, Series 2008 and Senior Air Cargo Special Facility Revenue Bonds, Series 2008 (Cargo Acquisition Companies Obligated Group II); a financing agreement; a trust indenture; and other matters in connection therewith

**9. Ordinance 2008-0068**

ORDINANCE consenting to the addition of 273.2708 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 421**, for inclusion in its district

**10. Ordinance 2008-0069**

ORDINANCE consenting to the addition of 15.723 acres of land to **TERRANOVA WEST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district

**11. Ordinance 2008-0070**

ORDINANCE establishing the north and south sides of the 1900 block of Kipling Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

**12. Ordinance 2008-0071**

ORDINANCE establishing the north and south sides of the 1900 block of Kipling Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**

**13. Ordinance 2008-0083**

ORDINANCE approving and authorizing disbursement of up to \$3,750,000.00 received from the Texas Parks & Wildlife Commission, Texas Recreation and Parks Account, to acquire the title to that certain 5.000 acre tract of land, located in the J. Reinerman Survey, A-642, Harris County, Texas from the Houston Parks Board, a Texas non-profit corporation, doing business as "The Houston Parks Board, Inc.", free and clear of all monetary liens; approving and ratifying a Texas Parks and Wildlife Department Account Agreement - **DISTRICT A - LAWRENCE**

**14. Ordinance 2008-0072**

ORDINANCE approving and authorizing contract between the City and **TEXAS CHILDREN'S HOSPITAL** to assess the impact of the Rotavirus Vaccine; providing a maximum contract amount 1 Year with one-year renewal - \$600,000.00 - Grant Fund

**14-1. Council Members Adams, Rodriguez and Jones tagged**

ORDINANCE approving and authorizing the City to release Four (4) lots owned by the Houston Housing Finance Corporation and located in the Fourth Ward from certain land use restrictions **DISTRICTS D - ADAMS and I - RODRIGUEZ**

**15. Ordinance 2008-0084**

ORDINANCE approving and authorizing an agreement between the City of Houston and **FOURTH WARD REDEVELOPMENT AUTHORITY** for the Financing of Design and Construction of the West Webster Park - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

**16. Ordinance 2008-0085**

ORDINANCE amending Ordinance No. 2007-0735 relating to the fiscal affairs of the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two, City of Houston, Texas, (Midtown Zone); approving an amendment of the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

**RESOLUTIONS AND ORDINANCES** - continued

**Motion 2008-0087 – Suspend rules to consider Item 17 out of order**

**17. Ordinance 2008-0082**

ORDINANCE amending Ordinance No. 2007-0744 relating to the fiscal affairs of the Upper Kirby Redevelopment Authority on behalf of Reinvestment Zone Number Nineteen, City of Houston, Texas, (Upper Kirby Zone); approving an amendment of the Fiscal Year 2008 Operating Budget and the Fiscal Years 2008-2013 Capital Improvement Budget for the Authority **DISTRICTS C - CLUTTERBUCK and G - HOLM**

**18. Ordinance 2008-0073**

ORDINANCE approving and authorizing an amendment to an Interlocal Agreement between the City and the **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to add Continuing Education Classes for Emergency Medical Training Services

**19. Ordinance 2008-0074**

ORDINANCE approving and authorizing second amendment to contract between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK**, to provide \$200,000.00 and continue the program for the development of neighborhood parks on public school grounds under the Spark Program - **DISTRICTS B - JOHNSON; D - ADAMS; G - HOLM and H - GARCIA**

**20. Council Members Green, Khan, Noriega, Adams and Garcia tagged**

ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed on June 30, 2004, which approved and authorized the submission of the 2004 consolidated plan to the United States Department of Housing and Urban Development, including a grant application for the Home Investment Partnerships ("HOME") Program under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended

**21. Ordinance 2008-0075**

ORDINANCE appropriating \$126,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing first amendment to Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority ("LARA") and Catholic Charities to develop an additional seven (7) lots in Independence Heights for sale to qualified purchasers as Affordable Single-Family Housing and providing \$10,000.00 in down payment assistance to each qualified purchaser - **DISTRICT H - GARCIA**

**22. Ordinance 2008-0086**

ORDINANCE appropriating \$245,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LBG-GUYTON ASSOCIATES** for Design of the Rehabilitation of Water Wells at various locations, WBS S-000200-0016-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and E - SULLIVAN**

**23. Ordinance 2008-0076**

ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund; \$100,000.00 out of Public Library Consolidated Construction Fund; \$175,000.00 out of Solid Waste Consolidated Construction Fund; \$50,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation for project management services contract (approved by Ordinance No. 05-0390) between the City of Houston and **JACOBS FACILITIES, INC** for project management services (WBS D-000107, E-000143, L-000060, and H-000066); providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund; the Public Library Consolidated Construction Fund; the Solid Waste Consolidated Construction Fund; and the Public Health Consolidated Construction Fund

**RESOLUTIONS AND ORDINANCES** - continued

**24. Ordinance 2008-0077**

ORDINANCE appropriating \$7,825,000.00 out of Street & Bridge Consolidated Construction Fund for labor costs and other expenses related to In-House Capital Improvement Projects for the Rehabilitation of Concrete Pavement, WBS N-000655-0005-4 and N-000845-0007-4; declaring the Public Works and Engineering Department's intent to reimburse the General Fund for expenditures relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund

**25. Ordinance 2008-0087**

ORDINANCE appropriating \$1,800,000.00 out of Drainage Improvements Commercial Paper Series F, Fund; and allocating \$500,000.00 out of Storm Water Utility Fund, awarding contract to **TOTAL CONTRACTING, LTD.** for On-Call Drainage Construction (Work Order), WBS No. M-000126-0058-4; providing maximum contract amount; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund and the Storm Water Utility Fund

**26. Ordinance 2008-0078**

ORDINANCE appropriating \$1,433,729.35 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CARRERA CONSTRUCTION, INC** for FY08-Waterline Relocation and Replacement, WBS S-000035-0106-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**27. Ordinance 2008-0048 – Passed third and final reading**

ORDINANCE No. 2008-48, passed second reading January 23, 2008

ORDINANCE granting to **CAPTAIN HOOK OF HOUSTON, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

**28. Ordinance 2008-0049 – Passed third and final reading**

ORDINANCE No. 2008-49, passed second reading January 23, 2008

ORDINANCE granting to **LEGACEE INTERNATIONAL ENVIRONMENTAL SERVICES, INC d/b/a TEXAS WASTE CARRIERS, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA** - NUMBERS 29 and 30

**MISCELLANEOUS**

**29. Motion 2008-0089**

MOTION to set a date not less than seven (7) days from January 30, 2008, to receive nominations for Positions Five and Seven to the **ETHICS COMMITTEE** for two-year staggered terms – Set next Wednesday, February 6, 2008

**Motion 2008-0090 – Refer Item 30 back to the Administration – “**FAILED**”**

**30. Motion 2008-0091**

**SET A HEARING DATE** relative to the nomination of Deloitte, LLP as an enterprise project of the Texas Enterprise Zone Program - **DISTRICT I - RODRIGUEZ**

**SUGGESTED HEARING DATE - WEDNESDAY - FEBRUARY 6, 2008 - 9:00 A.M.**

Set hearing Wednesday, February 6, 2008

**MATTERS HELD** - NUMBERS 31 through 35

**Motion 2008-0085 – Motion to allow Council Member Noriega to amend written motion to amend Item 31 and motion to amend withdrawn**

**Motion 2008-0086 – Motion to amend Item 31 as follows:**

“(2) ***Perimeter fence or wall:*** No electrified fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet and not more than eight feet in height. The perimeter fence or wall shall be separated from the electrified fence by not less than one foot at its closest point, and by not more than five feet at its farthest point, except at gate openings, which shall be installed in conformance with the specifications set forth in Annex CC of IEC Standard 60335-2-76, as such standard exists upon. The area between the perimeter wall or fence and the electrified fence shall be kept completely clear of landscaping, shrubbery, other fences or any material of any kind. The lowest part of the perimeter fence or wall shall be constructed to follow the natural terrain to prevent penetration of such fence or wall at ground level. No part of a perimeter fence or wall shall be allowed to be in contact with an electrified fence by any means at any time. Perimeter fences adjacent to residential lots at the time of installation of the electric fence shall be either a wood privacy fence, a chain link fence with wood or plastic slats inserted into each weave of the fence, or an equivalent solid barrier fence.

(3) ***Location:***

- a. Limited to commercial outdoor storage areas only.
- b. Prohibited within five feet of any public right-of-way or sidewalk, unless the barrier fence is a wood privacy fence, a chain link fence with wood or plastic slats inserted into each weave of the fence, or an equivalent solid barrier fence.
- c. Prohibited within 25 feet of any outdoor area utilized for the storage, use, or handling of hazardous materials as defined in the Fire Code.

**MATTERS HELD** – continued

Motion 2008-0086 - continued

- (8) **Registration:** Prior to the installation or use of any electrified fence, the property owner or lessee of the property upon which such fencing will be installed or used shall submit a completed registration for such fencing to the fire department using the form promulgated for that purpose by the fire chief. The property owner or lessee shall certify that the energizer of the fence complies with characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76, as such standard exists upon . No fee shall be charged in connection with the registration required by this item.

**31. Ordinance 2008-0081**

**ORDINANCE AMENDING SECTION 312.3.3 OF THE CITY OF HOUSTON BUILDING CODE, CHAPTER 5 OF THE CITY OF HOUSTON ELECTRICAL CODE, and SECTION 28-10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Electric Fences TAGGED BY COUNCIL MEMBERS NORIEGA, BROWN, KHAN, GARCIA, JOHNSON, RODRIGUEZ, JONES and ADAMS**

This was Item 15 on Agenda of January 23, 2008

**32. Ordinance 2008-0080**

ORDINANCE approving and authorizing third amendment to contract (C51076) between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, to increase recyclable waste by reducing city waste currently sent to landfills - 7 Years - \$56,000,000.00 - General Fund

**TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, GARCIA, KHAN and GREEN**

This was Item 18 on Agenda of January 23, 2008

**Motion 2008-0084 – Suspend rules to remain in session beyond the scheduled noon recess**

**33. Ordinance 2008-0088**

ORDINANCE appropriating \$7,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 5 to the contract for Professional Architectural/Engineering Services by and between the City of Houston and **LOCKWOOD, ANDREWS AND NEWNAM, INC** for Terminal Improvements at William P. Hobby Airport; Project 417E; WBS A-000141-0003-03-17 **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER SULLIVAN**

This was Item 20 on Agenda of January 23, 2008

**Motion 2008-0083 – Suspend rules to consider Items 34, 32 and 31 out of order**

**34. Ordinance 2008-0079**

ORDINANCE approving Amateur Sports Complex as a Public Works Project under the third amended and restated Series E Commercial Paper Ordinance and appropriating \$6,420,000.00 from Series E Commercial Paper Amateur Sports Complex Fund and approving, ratifying and authorizing the purchase and payment of land acquisition costs for the Real Estate Contract between Steven J. Gibson, Trustee, Seller ("Seller"), and the City of Houston, Texas, Purchaser (the "City"), for approximately 80 acres of unimproved land out of the James Hamilton Survey, Abstract 886 and J. W. Moody Survey, Abstract 548, Harris County, Texas, for a purchase price, with related expenses, of \$6,420,000.00

**TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and NORIEGA**

This was Item 29 on Agenda of January 23, 2008

**MATTERS HELD** – continued

**35. Ordinance 2008-0092**

ORDINANCE finding and declaring public convenience and necessity for the acquisition of Fee Simple Title or easements for rights-of-way in connection with the public improvement project known as the Mercury Drive Paving Project, Segment 4 (from Herman Brown Park to Wallisville Road), authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple or easements in, over, upon, under, and across 14 parcels of land situated in the Reels and Trobough Survey, Abstract No. 59, Harris County, Texas, and being more specifically situated along and abutting the east or west lines of Oates Road between U.S. Highway 90 and Wallisville Road in Houston, Harris County, Texas - **DISTRICT I - RODRIGUEZ**

**POSTPONED BY MOTION #2008-75, 1/23/08**

This was Item 32 on Agenda of January 23, 2008

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Khan first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

**NOTE** - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

**1/29/2008 – Council Member Johnson absent**

**1/30/2008 – All Present**